


ORDERED.

Dated: August 20, 2019



Jerry A. Funk
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION

IN RE:
ROBERT KENNETH SCHMIDT
CALLI JEAN SCHMIDT

CASE NO. 3:18-bk-01579-JAF
CHAPTER 13

Debtor(s).

**ORDER GRANTING CREDITOR'S EX-PARTE MOTION FOR
ORDER CONFIRMING ABSENCE OR TERMINATION OF AUTOMATIC STAY [DE-66]**

THIS CASE came on for consideration upon the Ex-Parte Motion for Order Confirming Absence or Termination of Automatic Stay filed by Movant, MTGLQ INVESTORS, LP (Doc No. 66). The Motion not having required any hearing, therefore, the Court deems the Motion to be unopposed, it is

ORDERED:

1. Ex-Parte Motion for Order Confirming Absence or Termination of Automatic Stay (Doc. No. 66) is GRANTED.
2. The automatic stay imposed by 11 U.S.C. § 362 is not in place as to the Movant's enforcement of its mortgage on or security interest in the following property:

THE NORTHERLY 100 FEET OF LOT 7, BLOCK 5, GREENFIELD MANOR, AS PER PLAT THEREOF, RECORDED IN PLAT BOOK 20, PAGES 17 AND 17A, OF THE PUBLIC RECORDS OF DUVAL COUNTY, FLORIDA.

a/k/a 6502 BARNES RD S, JACKSONVILLE, FL 32216

3. This order is entered for the sole purpose of confirming that the Movant may obtain *in rem* relief against the property and Movant shall not seek *in personam* relief against the Debtor.

4. It is further ordered that that Movant may offer and provide the debtor with information in regard to a potential Forbearance Agreement, Loan Modification, Refinance Agreement, or other Loan Workout/Loss Mitigation Agreement, and may enter into such agreement with the debtor provided the agreement complies with the Bankruptcy Code and all other applicable law. Movant, however, may not enforce or threaten to enforce any personal liability against the debtor if the debtor's personal liability is discharged in this bankruptcy.

5. The Movant made sufficient allegations and a request in the Ex-Parte Motion for Order Confirming Absence or Termination of Automatic Stay to waive the 14 day stay requirement of Bankruptcy Rule 4001(a)(3). No objection being raised, the automatic stay shall be lifted immediately upon execution of this order.

6. The mortgage indebtedness that shall run with this property shall be increased to include \$850.00 for attorney's fees and costs incurred in filing Ex-Parte Motion for Order Confirming Absence or Termination of Automatic Stay.

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Attorney Alejandro Martinez-Maldonado, Esq. is directed to serve a copy of this order on interested parties who are non-CM/ECF and to file a proof of service within three days of entry of this order.